

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Morlock, L.L.C. a Texas Limited Liability
Company

Plaintiff,

v.

The Bank of New York Mellon Trust
Company, N.A.

Defendant.

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CIVIL ACTION NO. 4:12-cv-01585

ORDER FOR PRETRIAL CONFERENCE

1. Counsel shall appear at an initial pretrial and scheduling conference before

Honorable Nancy F. Atlas
August 20, 2012 at 01:30 PM
Courtroom 9F (9th Floor)
United States Courthouse
515 Rusk Street
Houston, TX 77002.

2. Counsel shall file within fourteen (14) days from receipt of this Order a certificate with the Clerk listing all persons, associations of persons, firms, partnerships, corporations, affiliates, parent corporations, or other legal entities that are financially interested in the outcome of this litigation. If a large group can be specified by a general description, individual listing is not necessary. Underline the name of each corporation whose securities are publicly traded. If new parties are added or if additional persons or legal entities that are financially interested in the outcome of the litigation are identified at any time during the pendency of this litigation, then each counsel shall promptly file an amended certificate with the Clerk.
3. After the parties meet as required by Fed. R. Civ. P. 26(f), counsel shall prepare and file not less than three (3) days before the conference a joint discovery/case management plan containing the information required by Fed. R. Civ. P. 26(f), as amended December 1, 2010. The conference will be conducted in accordance with Fed. R. Civ. P. 16. **NOTE:** Counsel must deliver to Chambers *courtesy copies* of all documents filed within three (3) business days of the conference. All such copies must be marked "FOR PRETRIAL CONFERENCE."

4. Each party shall appear at the conference by an attorney with (a) *full* knowledge of the case and (b) *authority* to bind the client. *See* Local Rule 8. The Court will prepare a docket control order at the pretrial conference. *See* Court's Procedures, available on the Southern District of Texas website at <http://www.txs.uscourts.gov>.

Counsel should be prepared to argue all pending motions at the conference. The Court may rule on same at that time.

5. Counsel who file or remove an action must serve a copy of *this Order* and a copy of this *Court's Procedures* with the summons and complaint or with the notice of removal. In addition, in all removed cases, counsel for the removing party(ies) must file with the Court at least seven (7) days before the Conference the "certificate of service in removed action" showing compliance with this paragraph. *See* Court's Procedures.
6. Counsel must discuss with their clients and opposing counsel how electronically stored information will be produced in discovery and when alternative dispute resolution procedure will be appropriate in this case, and shall advise the Court of the results of these discussions at the conference.
7. Discovery *may* be conducted prior to the Initial Pretrial Conference if all named defendants have answered.
8. For the convenience of out-of-town counsel, the Court will allow participation by telephone if requested by letter to the Court's case manager in writing by email at least a week in advance of the conference date. The case manager will respond to the email with further instructions.
9. Failure to comply with this Order may result in sanctions, including dismissal of the action and/or assessment of fees and costs.

It is SO ORDERED.